

AN ORDINANCE 2006-06-08-0700

AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, SECTION 28-152 TO ADD A DEFINITION OF "PERSON"; DELETE UNNECESSARY LANGUAGE FOR THE COMMISSION OF AN OFFENSE; INCLUDE A REBUTTABLE PRESUMPTION CLAUSE PROVIDING THAT "THE PERSON IN WHOSE NAME A TELEPHONE NUMBER DISPLAYED ON THE SIGN IS LISTED WITH THE TELEPHONE COMPANY IS THE PERSON RESPONSIBLE FOR THE PLACEMENT OF SUCH SIGN," AND PROVIDING FOR PENALTIES AND DIRECTING PUBLICATION.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 28, Article IV, Section 28-152, entitled "Signs on roads and highways maintained by the city," of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added), deleting the language that is stricken through (~~deleted~~), and re-numbering the existing text.

Sec. 28-152. Signs on roads and highways maintained by the city.

(a) No person may place a sign on the public right-of-way of a road or highway maintained by the city.

1) Definitions. The definitions herein are only to be applied in the enforcement of this section unless specifically stated otherwise.

a. Person means that which is defined in section 28-6 of this chapter and shall include Person, corporation or association with reasonable connection as defined in section 28-9 which means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.

a b. Place means to physically place or cause to be physically placed.

b c. Public right-of-way means it is a rebuttable presumption that any area within fifteen (15) feet of the edge of the paved portion of a road or highway maintained by the city is public right-of-way.

e d. Unauthorized sign means any sign placed by a person who is not a holder of a valid annual temporary sign permit.

* * *

(e) Placement of unauthorized sign: Criminal offense, penalty. This subsection may be enforced by the departments of building inspections, police, or other departments designated by the City Manager against any violator of any provision of this section who is not a holder of a valid annual temporary sign permit.

(1) A person commits an offense if the person places a sign on the public right-of-way of a road or highway maintained by the city in violation of this section. The presence of a sign in the public right-of-way creates a rebuttable presumption that the person, ~~corporation, or association~~ named on such sign is the person responsible for the placement of such sign. If more than one person is named on a sign, there is a rebuttable presumption that each person is individually and severally responsible for the placement of such sign.

(2) There shall be a rebuttable presumption that the person in whose name a telephone number displayed on the sign is listed with the telephone company is the person responsible for the placement of such sign.

(2) (3) An offense under this section is punishable as follows:

- a. First offense by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00);
- b. Second offense by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00); or
- c. Third offense or thereafter by a fine of not less than three hundred dollars (\$300.00) and more than five hundred dollars (\$500.00).

SECTION 2. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 3. All other provisions of Chapter 28, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.


SECTION 4. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 5. There is no financial impact as a result of the passage of this Ordinance.

SECTION 6. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

SECTION 7. This Ordinance shall become effective on the fifth day after publication in accordance with Article 2, Section 17, of the City Charter but in no manner less than the tenth day after passage by the City Council.

PASSED AND APPROVED this 8th day of June, 2006.


M A Y O R
for **PHIL HARDBERGER**

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: 25.

Date: 06/08/06

Time: 04:19:30 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 28, Section 28-152 of the City Code, Signs and Billboards, to add a definition of "person"; delete unnecessary language; include a rebuttable presumption clause relating to the placement of unauthorized "bandit" signs; and providing for publication, as requested by Councilmember Gutierrez, District 3. [Presented by Florencio Peña, Director, Development Services; Jelynn LeBlanc Burley, Deputy City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager
FROM: Florencio Peña, Director Development Services
SUBJECT: An ordinance amending Chapter 28 sign ordinance
DATE: June 8, 2006

SUMMARY & RECOMMENDATION

Amendments to Chapter 28 sign ordinance of the City Code to include a rebuttable presumption clause relating to the placement of unauthorized (bandit) signs.

Staff recommends approval.

BACKGROUND INFORMATION

The proposed ordinance was sponsored by a Council Consideration Request from District 3 Councilman Roland Gutierrez.

The City of San Antonio Chapter 28 sign ordinance currently contains a rebuttable presumption clause that reads:

“The presence of a sign in the public right-of-way creates a rebuttable presumption that the person, corporation, or association named on such sign is the person responsible for the placement of such sign.”

The proposed amendments will establish a conduit for subjecting the benefactor (solicitor), whose phone number appears on the bandit sign, to a fine. The law would then presume the point of contact identified on the sign or the solicitor whose phone number appears on the sign, actually put up the sign and is therefore subject to a fine.

The proposed amendments include revising the definition of a person, removing some language causing some confusion with interpretation, and a rebuttable presumption clause.

POLICY ANALYSIS

The intent of this amendment is to have an additional mechanism within the current sign ordinance to discourage the placement of bandit signs in the community. This amendment is consistent with past amendments to Chapter 28 of the City Code to create a cleaner community.

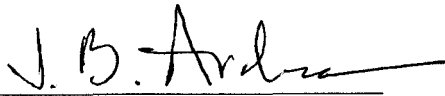
The Quality of Life Council Committee recommended this item to be considered by the full City Council on June 8, 2006.

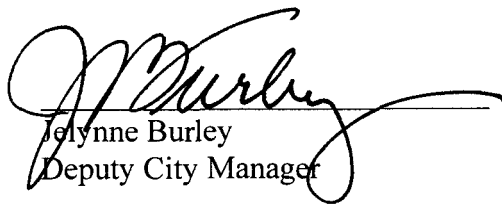
FISCAL IMPACT

There is no immediate fiscal impact.

COORDINATION

This item has been coordinated with the City Attorney's Office.


for Florencio Peña, Director
Development Services Department


Jelynn Burley
Deputy City Manager

Approved for Council Consideration:


Sheryl Sculley
City Manager

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		<div style="border: 1px solid black; padding: 5px;"> <div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 5px;">Approval</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Finance</td> <td style="width: 50%; padding: 5px;">Budget</td> </tr> <tr> <td style="padding: 5px;">Legal</td> <td style="padding: 5px;">Coordinator</td> </tr> </table> </div>		Finance	Budget	Legal	Coordinator
Finance	Budget								
Legal	Coordinator								
Request For Ordinance/Resolution				Consent <input type="checkbox"/> Individual <input type="checkbox"/> Item No. 25 Ord. No.					
Date: June 1, 2006		Department: Development Services		Contact Person/Phone #: Florencio Peña 207-8232					
Date Council Consideration Requested: June 8, 2006		Deadline for Action:		Dept. Head Signature <i>J. B. Arduini</i>					
SUMMARY OF ORDINANCE									
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Council Memorandum Must be Attached To Original									
Other Depts., Boards, Committees Involved (please specify): Quality of Life Council Committee, City Attorney's office									
Contract signed by other party <div style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></div>									
FISCAL DATA (If Applicable)									
Amount Expended		Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/> Impact on future O & M If positions added, specify Class and Job No.							
Fund SAP GL Account									
*Cost Center									
*Internal Order No. *WBS (Capital Proj.) <i>*(Fill out only the field that is appropriate to your council action.)</i>									
Comments:		Please submit 3 copies with your original							